

**City of Miami Beach - City Commission Meeting  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
November 5, 2003**

Mayor David Dermer  
Vice-Mayor Jose Smith  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Richard L. Steinberg

City Manager Jorge Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

Visit us on the Internet at ***www.miamibeachfl.gov*** for agendas and video "streaming" of City Commission Meetings.

**ATTENTION ALL LOBBYISTS**

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Call to Order - 11:00 a.m.  
Inspirational Message and Pledge of Allegiance  
Requests for Additions, Withdrawals, and Deferrals

**REGULAR AGENDA**

**Legislation concerning results from the City of Miami Beach's November 4, 2003 General and Special Elections are subject to change pending final Election results.**

**The actual Election Resolutions to be considered for passage by the City of Miami Beach Commission on November 5, 2003 will be publicly available by 11:00a.m. on that date.**

**R7 - Resolutions**

**Note: Either R7A (No Run-off Election needed) or R7B (Run-off Election needed) to be adopted, in addition to R7C.**

R7A1 A Resolution Adopting The Certificates Of The Results Of The November 4, 2003 General Election For The City Of Miami Beach, Adjourning The City Of Miami Beach Canvassing Board For The November 4, 2003 General Election, And Declaring Candidates Elected. (Page)  
(City Attorney's Office)

**R7 - Resolutions** (Continued)

R7A2 A Resolution Electing Commissioner Jose Smith As Vice-Mayor For A Term Commencing On November 6, 2003, And Terminating On February 29, 2004, Or On Such Date When A New Vice-Mayor Is Thereafter Elected. (Page)

(City Clerk's Office)

R7B City Of Miami Beach General Election Results And Calling Run-Off Election. (Page)

- 1) A Resolution Adopting The Certificate Of The Results Of The November 4, 2003 General Election For The City Of Miami Beach And Adjourning The City Of Miami Beach Canvassing Board For The November 4, 2003 General Election.
- 2) A Resolution Calling For A Run-Off Election To Be Held On November 18, 2003 In The City Of Miami Beach For The Purpose Of Electing A Mayor And Three City Commissioners; Providing For Conduct Of Same By The Miami-Dade County Elections Division; Providing That Voting Precincts Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Elections; Providing For The Form Of Ballot; Providing For Absentee Balloting And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Election To Miami-Dade County.
- 3) Designation Of City Of Miami Beach Canvassing Board For November 18, 2003 Run-Off Election.

(City Attorney's Office)

R7C A Resolution Adopting The Certificates Of The Results Of The November 4, 2003 Special Election For The City Of Miami Beach, Adjourning The City Of Miami Beach Canvassing Board For The November 4, 2003 Special Election And Declaring Results Thereof. (Page)

(City Attorney's Office)

**End of Regular Agenda**

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
<http://ci.miami-beach.fl.us>



## OFFICE OF THE CITY CLERK

### HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CHANNEL 20, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE AT 9:00 AM. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website which is - <http://ci.miami-beach.fl.us>.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, Fl 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Tuesday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on items listed on the Agenda may call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m. on the Tuesday prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, with the approval of the City Commission, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the agenda, there will be a period of fifteen minutes total allocated at the commencement of the Commission Meeting at 9:00 a.m. when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor and the City Commission. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes.

**CITY OF MIAMI BEACH**  
**2003 CITY COMMISSION**  
**AND**  
**REDEVELOPMENT AGENCY**  
**MEETINGS**

January 8 (Wednesday)

February 5 (Wednesday)

February 26 (Wednesday)

March 19 (Wednesday)

April 9 (Wednesday)

April 30 (Wednesday)

May 21 (Wednesday)

June 11 (Wednesday)

July 2 (Wednesday)

July 30 (Wednesday)

**August City Commission is in recess**

September 10 (Wednesday)

October 15 (Wednesday)

November 5 (Wednesday)

November 19 (Wednesday)\*

November 25 (Tuesday)

December 10 (Wednesday)

\* If a runoff election is necessary

OFFICE OF THE CITY ATTORNEY

*City of Miami Beach*

F L O R I D A



**MURRAY H. DUBBIN**  
City Attorney

Telephone: (305) 673-7470  
Telecopy: (305) 673-7002

**COMMISSION MEMORANDUM**

**DATE: NOVEMBER 5, 2003**

**TO: MAYOR DAVID DERMER  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JORGE GONZALEZ**

**FROM: MURRAY H. DUBBIN  
CITY ATTORNEY** *MH Dubbin*

**SUBJECT: CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 4, 2003 CITY  
OF MIAMI BEACH GENERAL ELECTION AND DECLARING CANDIDATES  
ELECTED**

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Attached hereto is a Resolution<sup>1</sup> adopting the Certificates of the Results of the November 4, 2003 Miami Beach General Election for the City of Miami Beach, adjourning the City of Miami Beach Canvassing Board for the November 4, 2003 General Election, and declaring candidates elected. The passage of this Resolution effectively concludes acceptance of election returns for the City of Miami Beach's November 4, 2003 General Election.

JKO/ed  
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<sup>1</sup> Upon receipt and finalization on November 5, 2003 of the Certification of Election Results, same shall be attached to the Resolution.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION  
OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING  
THE CERTIFICATES OF THE RESULTS OF THE  
NOVEMBER 4, 2003 GENERAL ELECTION FOR THE CITY  
OF MIAMI BEACH, ADJOURNING THE CITY OF MIAMI  
BEACH CANVASSING BOARD FOR THE NOVEMBER 4,  
2003 GENERAL ELECTION, AND DECLARING  
CANDIDATES ELECTED.**

**WHEREAS**, on September 10, 2003, Commissioner Jose Smith, Commissioner Richard Steinberg, and the City Manager's designee Mayra Diaz Buttacavoli were designated by the Miami Beach City Commission to act as its Canvassing Board representatives regarding the conduct of the November 4, 2003 General Election for the City of Miami Beach; and

**WHEREAS**, Commissioner Jose Smith, Commissioner Richard Steinberg and the City Manager's designee Mayra Diaz Buttacavoli acted as the commission representatives/Canvassing Board for the November 4, 2003 General Election; and

**WHEREAS**, the candidates for Mayor and City Commissioner of the City of Miami Beach (Groups IV, V and VI) in the November 4, 2003 General Election have received the number of votes cast as reflected more specifically within the Certifications of Election attached hereto as Composite "A" and incorporated herein.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that having canvassed the returns of the November 4, 2003 General Election of the City of Miami Beach, it hereby adopts the certificates as to the results of said General Election and it is hereby ordered that the Certificates of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said election; be it further resolved that by adoption of this Resolution the City Commission-appointed Committee acting as Canvassing Board for the City of Miami Beach composed of Commissioner Jose Smith, Commissioner Richard Steinberg, and the City Manager's designee Mayra Diaz Buttacavoli has discharged its duties for the November 4, 2003 City of Miami Beach General Election and said Committee is hereby adjourned; and be it further resolved that as a

result of the City of Miami Beach November 4, 2003 General Election the following candidates for Mayor and City Commissioner Groups IV, V and VI are hereby declared **elected**:

for Mayor: \_\_\_\_\_

for City Commissioner Group IV: \_\_\_\_\_

for City Commissioner Group V: \_\_\_\_\_

for City Commissioner Group VI: \_\_\_\_\_

**PASSED** and **ADOPTED** this 5th day of November, 2003.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

JKO\ed  
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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

 10-13-03  
City Attorney Date

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution electing Commissioner Jose Smith as Vice-Mayor for a term commencing on November 6, 2003, and terminating on February 29, 2004, or on such date when a new vice-mayor is thereafter elected.

**Issue:**

Shall Commissioner Jose Smith be elected as Vice-Mayor?

**Item Summary/Recommendation:**

Pursuant to Section 2.04 of the Miami Beach City Charter: "The City Commission shall, at its first meeting after each general election, which shall be within three (3) days after the general election (or within thirty (30) days after the run-off election, if a run-off election is held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor, shall perform the duties of Mayor".

The City Commission established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number. Commissioner Jose Smith (Group I) is next in the rotation to serve as Vice-Mayor

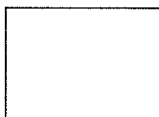
**Advisory Board Recommendation:**

N/A

**Financial Information:**

**Amount to be expended:**

Source of Funds:



Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

**City Clerk's Office Legislative Tracking:**

Robert E. Parcher, City Clerk

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R7A2  
DATE 11-25-03

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.ci.miami-beach.fl.us



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** November 5, 2003

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER JOSE SMITH AS VICE-MAYOR FOR A TERM COMMENCING ON NOVEMBER 6, 2003, AND TERMINATING ON FEBRUARY 29, 2004, OR ON SUCH DATE WHEN A NEW VICE-MAYOR IS THEREAFTER ELECTED.**

### ANALYSIS

Pursuant to Section 2.04 of the Miami Beach City Charter: "The City Commission shall, at its first meeting after each general election, which shall be within three (3) days after the general election (or within thirty (30) days after the run-off election, if a run-off election is held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor, shall perform the duties of Mayor".

The City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number. The next Vice-Mayor Group is Group I. The term for the next Vice-Mayor is November 6, 2003 through February 29, 2004. Commissioner Jose Smith (Group I) is next in the rotation to serve as Vice-Mayor.

JMG/REP

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER JOSE SMITH AS VICE-MAYOR FOR A TERM COMMENCING ON NOVEMBER 6, 2003, AND TERMINATING ON FEBRUARY 29, 2004, OR ON SUCH DATE WHEN A NEW VICE-MAYOR IS THEREAFTER ELECTED.**

**WHEREAS**, pursuant to Section 2.04 of the Miami Beach City Charter: "The City Commission shall, at its first meeting after each general election, which shall be within three (3) days after the general election (or within thirty (30) days after the run-off election, if a run-off election is held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor, shall perform the duties of Mayor"; and

**WHEREAS**, the Mayor and City Commission established a policy of rotating the position of Vice-Mayor every four months; and

**WHEREAS**, for the term commencing on November 6, 2003, and terminating on February 29, 2004, the Mayor and City Commission herein elect Commissioner Jose Smith as Vice-Mayor.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** that Commissioner Jose Smith is hereby elected as Vice-Mayor of the City of Miami Beach, Florida, for a term commencing on November 6, 2003, and terminating on February 29, 2004, or on such date when a new vice mayor is thereafter elected.

**PASSED and ADOPTED THIS** 5th **day of** November, 2003.

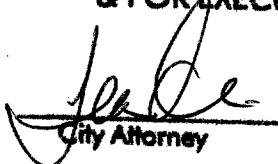
ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
Mayor David Dermer

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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

10-22-03  
Date

OFFICE OF THE CITY ATTORNEY

*City of Miami Beach*

F L O R I D A




**MURRAY H. DUBBIN**  
City Attorney

Telephone: (305) 673-7470  
Telecopy: (305) 673-7002

**COMMISSION MEMORANDUM**

**DATE: NOVEMBER 5, 2003**

**TO: MAYOR DAVID DERMER**  
**MEMBERS OF THE CITY COMMISSION**  
**CITY MANAGER JORGE GONZALEZ**

**FROM: MURRAY H. DUBBIN**   
**CITY ATTORNEY**

**SUBJECT: CITY OF MIAMI BEACH GENERAL ELECTION RESULTS AND CALLING**  
**RUN-OFF ELECTION**

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The attached Resolutions formally adopt the certificate of results of the City of Miami Beach November 4, 2003 General Election, adjourn the Canvassing Board for said election, and call for the City of Miami Beach November 18, 2003 Run-Off Election, made necessary as a result of no candidate for Mayor and/or Commission Groups # \_\_\_\_\_ and \_\_\_\_\_ from the General Election having received a majority of votes cast. Accordingly, and pursuant to Miami Beach City Charter Section 2.01, a Run-Off Election shall be called for November 18 2003 between the two candidates for Mayor and/or Commission Groups # \_\_\_\_\_ and \_\_\_\_\_ receiving the highest number of votes in the General Election.

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION  
OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING  
THE CERTIFICATE OF THE RESULTS OF THE  
NOVEMBER 4, 2003 GENERAL ELECTION FOR THE CITY  
OF MIAMI BEACH AND ADJOURNING THE CITY OF  
MIAMI BEACH CANVASSING BOARD FOR THE  
NOVEMBER 4, 2003 GENERAL ELECTION.**

**WHEREAS**, on September 10, 2003, Commissioner Jose Smith, Commissioner Richard Steinberg, and the City Manager's designee Mayra Diaz Buttacavoli were designated by the Miami Beach City Commission to act as its Canvassing Board representatives regarding the conduct of the November 4, 2003 General Election for the City of Miami Beach; and

**WHEREAS**, Commissioner Jose Smith, Commissioner Richard Steinberg, and the City Manager's designee Mayra Diaz Buttacavoli acted as the commission representatives and were present at the tabulation of the returns of the General Election as duly conducted by the Election Department of Miami-Dade County; and

**WHEREAS**, the results of the November 4, 2003 General Election have been certified; and

**WHEREAS**, the candidates for Mayor and City Commissioner of the City of Miami Beach, Groups IV, V and VI have received the number of votes cast as reflected more specifically within the Certification of Elections attached hereto as Composite Exhibit "A" and incorporated herein.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that having canvassed the returns of the November 4, 2003 General Election of the City of Miami Beach, it does hereby adopt the certificate as to the results of said General Election and it is hereby ordered that the Certificates of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said election; be it further resolved that by adoption of this Resolution, the City Commission-appointed Committee acting as Canvassing Board for the City of Miami Beach composed of Commissioner Jose Smith, Commissioner Richard Steinberg, and the City Manager's designee Mayra Diaz Buttacavoli has discharged its duties for the November 4, 2003 City of Miami Beach General Election and said Committee is hereby adjourned.

**PASSED and ADOPTED** this 5th day of November, 2003.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

10-13-03  
\_\_\_\_\_  
Date

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A RUN-OFF ELECTION TO BE HELD ON NOVEMBER 18, 2003 IN THE CITY OF MIAMI BEACH FOR THE PURPOSE OF ELECTING A MAYOR AND \_\_\_\_ CITY COMMISSIONERS; PROVIDING FOR CONDUCT OF SAME BY THE MIAMI-DADE COUNTY ELECTIONS DIVISION; PROVIDING THAT VOTING PRECINCTS SHALL BE THOSE AS ESTABLISHED BY MIAMI-DADE COUNTY; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE FORM OF BALLOT; PROVIDING FOR ABSENTEE BALLOTING AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PAYMENT FOR CONDUCTING ELECTION TO MIAMI-DADE COUNTY.**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

**SECTION 1**

In accordance with provisions of the Charter of the City of Miami Beach, Florida, a Run-Off Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on November 18, 2003 for the purpose of electing \_\_\_\_ City Commissioners in Groups # \_\_\_\_\_ and \_\_\_\_\_ respectively, and a Mayor,\* each of whom shall hold office for the terms as provided by law.

**SECTION 2**

That the appropriate and proper Miami-Dade County election officials shall conduct the said Run-Off Election hereby called, except for the certification of the results of said Run-Off Election, which duty shall be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated on the night of said Run-Off Election.

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\* Commissioner \_\_\_\_\_ (Group \_\_\_\_\_), having received a majority of votes cast in the November 4, 2003 City of Miami Beach General Election, shall be declared elected on November 19, 2003, subsequent to canvass of election returns from the November 18, 2003 City of Miami Beach Run-Off Election.

### **SECTION 3**

That the said voting precincts in the City of said Run-Off Election shall be established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the OFFICIAL REGISTRATION BOOKS show that the said electors reside. Registration of persons desiring to vote in said Run-Off Election shall be in accordance with the general law of the State governing voter registration.

### **SECTION 4**

Notice of said Run-Off Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida.

### **SECTION 5**

The notice of election shall be substantially in the following form:

"THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF RUN-OFF ELECTION

NOTICE IS HEREBY GIVEN that a Run-Off Election has been called by the City Commission of the City of Miami Beach, Florida, and will be held in said City from 7:00 a.m. until 7:00 p.m. on the 18th day of November, 2003, for the purpose of electing \_\_\_\_\_ ( ) City Commissioners in Groups # \_\_\_\_\_ and \_\_\_\_\_ respectively, and a Mayor, each of whom shall hold office for terms as provided by law."

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

### **SECTION 6**

That the official ballot to be used in the Run-Off Election to be held on November 18, 2003, hereby called, shall be in substantially the following form, to wit:

**"OFFICIAL BALLOT"**  
**RUN-OFF ELECTION**  
**FOR**  
**ELECTING THE MAYOR**

AND \_\_\_\_\_ ( ) COMMISSIONERS  
OF THE  
CITY OF MIAMI BEACH, FLORIDA  
ON NOVEMBER 18, 2003

Vote for one (1) only:

(Here insert names of candidates)

**MAYOR**

\_\_\_\_\_  
:            :  
:            :  
\_\_\_\_\_

**FOR CITY COMMISSIONERS**

(Here insert names of candidates)

**GROUP IV**

\_\_\_\_\_  
:            :  
:            :  
\_\_\_\_\_

(Here insert names of candidates)

**GROUP V**

\_\_\_\_\_  
:            :  
:            :  
\_\_\_\_\_

(Here insert names of candidates)

**GROUP VI**

\_\_\_\_\_  
:            :  
:            :  
\_\_\_\_\_



The City Clerk shall prepare the ballot so that the names of qualified candidates will appear on said ballot in alphabetical order according to surname; provided, however, that said ballot and its preparation shall be such as to permit compliance with the Laws of the State of Florida with respect to the use of an electronic voting system.

**SECTION 7**

That the absentee voters participating in said Run-Off Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect the absentee voting.

**SECTION 8**

That the City of Miami Beach shall pay all expenses for conducting this Run-Off Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

**SECTION 9**

This resolution shall be effective immediately upon its passage.

**PASSED and ADOPTED** this 5th day of November, 2003.


ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

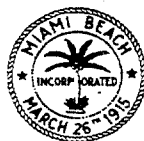
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 10-13-03  
\_\_\_\_\_  
City Attorney      Date

OFFICE OF THE CITY ATTORNEY

*City of Miami Beach*

F L O R I D A



**MURRAY H. DUBBIN**  
City Attorney

Telephone: (305) 673-7470  
Telecopy: (305) 673-7002

**COMMISSION MEMORANDUM**

**DATE: NOVEMBER 5, 2003**

**TO: MAYOR DAVID DERMER  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JORGE GONZALEZ**

**FROM: MURRAY H. DUBBIN  
CITY ATTORNEY**

**SUBJECT: DESIGNATION OF CITY OF MIAMI BEACH CANVASSING BOARD FOR  
NOVEMBER 18, 2003 RUN-OFF ELECTION**

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**Administration Recommendation**

Upon the recommendation of the City Attorney, the Administration recommends that the Miami Beach Canvassing Board for the November 18, 2003 Run-Off Election be composed of Vice-Mayor Jose Smith, Commissioner Richard Steinberg, and the City Manager's designee Mayra Diaz Buttacavoli.

**Background**

In connection with the upcoming November 18, 2003 Run-Off Election, the Mayor and City Commissioners are required to appoint official representatives to serve as the Miami Beach Canvassing Board; upon the recommendation of the City Attorney, it is suggested that this Canvassing Board be composed of Vice-Mayor Jose Smith, Commissioner Richard Steinberg and the City Manager's designee Mayra Diaz Buttacavoli, said individuals having served as members of the City of Miami Beach Canvassing Board for the November 4, 2003 General and Special Elections (which Commissioners are not up for re-election and not active participants in the campaign or candidacy of any candidate with opposition in the City of Miami Beach November 18, 2003 Run-Off Election).

JKO/ed  
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OFFICE OF THE CITY ATTORNEY

*City of Miami Beach*

F L O R I D A



**MURRAY H. DUBBIN**  
City Attorney

Telephone: (305) 673-7470  
Telecopy: (305) 673-7002

**COMMISSION MEMORANDUM**

**DATE: NOVEMBER 5, 2003**

**TO: MAYOR DAVID DERMER  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JORGE GONZALEZ**

**FROM: MURRAY H. DUBBIN  
CITY ATTORNEY** *M. Dubbin*

**SUBJECT: CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 4, 2003  
SPECIAL ELECTION AND DECLARING ELECTION RESULTS**

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Attached hereto is a Resolution<sup>1</sup> adopting the Certificates of the Results of the November 4, 2003 Miami Beach Special Election for the City of Miami Beach, adjourning the City of Miami Beach Canvassing Board for the November 4, 2003 Special Election and declaring election results. The passage of this Resolution effectively concludes acceptance of election returns for the City of Miami Beach's November 4, 2003 Special Election.

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<sup>1</sup> Upon receipt and finalization on November 5, 2003 of the Certification of Election Results, same shall be attached to the Resolution.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION  
OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING  
THE CERTIFICATES OF THE RESULTS OF THE  
NOVEMBER 4, 2003 SPECIAL ELECTION FOR THE CITY  
OF MIAMI BEACH, ADJOURNING THE CITY OF MIAMI  
BEACH CANVASSING BOARD FOR THE NOVEMBER 4,  
2003 SPECIAL ELECTION AND DECLARING RESULTS  
THEREOF.**

**WHEREAS**, on September 10, 2003, Commissioner Jose Smith, Commissioner Richard Steinberg, and the City Manager's designee were designated by the Miami Beach City Commission to act as its Canvassing Board representatives regarding the conduct of the November 4, 2003 Special Election for the City of Miami Beach; and

**WHEREAS**, Commissioner Jose Smith, Commissioner Richard Steinberg, and the City Manager's designee Mayra Diaz Buttacavoli acted as the commission representatives/Canvassing Board for the November 4, 2003 Special Election; and

**WHEREAS**, the Certification of the results of the City of Miami Beach Special Election have been received and are attached hereto as Composite Exhibit "A" and are incorporated herein; and

**WHEREAS**, said Certification reflects that:

Question "A" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach<sup>1</sup>;  
Question "B" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach;  
Question "C" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach;  
Question "D" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach;  
Question "E" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach;  
Question "F" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach;  
Question "G" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach; and  
Question "H" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach.

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<sup>1</sup> The eight ballot questions have been lettered "A"; "B"; "C"; "D"; "E"; "F"; "G"; and "H" for ease of reference herein only and were not so lettered on the ballot.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that having canvassed the returns of the November 4, 2003 Special Election of the City of Miami Beach, it hereby adopts the certificates as to the results of said Special Election and it is hereby ordered that the Certificates of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said election; be it further resolved that by adoption of this Resolution the City Commission-appointed Committee acting as Canvassing Board for the City of Miami Beach composed of Commissioner Jose Smith, Commissioner Richard Steinberg, and the City Manager's designee Mayra Diaz Buttacavoli has discharged its duties for the November 4, 2003 City of Miami Beach Special Election and said Committee is hereby adjourned; and be it further resolved that as a result of the City of Miami Beach November 4, 2003 Special Election, the votes upon the questions presented reflect the following results:

**Question "A":**

AMENDING CITIZEN'S BILL OF RIGHTS RE: NON DISCRIMINATION

SHALL THE MIAMI BEACH CITY CHARTER BE AMENDED TO INCLUDED WITHIN THE CITIZEN'S BILL OF RIGHTS A GUARANTEE THAT NO PERSON SHALL BE DEPRIVED OF ANY RIGHTS AND PRIVILEGES CONFERRED BY LAW BECAUSE OF RACE, COLOR, NATIONAL ORIGIN, RELIGION, GENDER, SEXUAL ORIENTATION, DISABILITY, MARITAL STATUS, FAMILIAL STATUS, OR AGE?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**Question "B":**

AMENDING CHARTER SECTION 2.01 TO CHANGE RUN-OFF ELECTION DATE

SHALL SECTION 2.01 OF THE MIAMI BEACH CITY CHARTER BE AMENDED TO CHANGE THE RUN-OFF DATE FROM ONE (1) WEEK AFTER THE GENERAL ELECTION TO TWO (2) WEEKS AFTER THE GENERAL ELECTION?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

**Question "C":**

DELETING SUBPOENA POWER OF MIAMI BEACH CITY COMMISSION

SHALL THE LANGUAGE IN SECTION 2.03 OF THE MIAMI BEACH CITY CHARTER GRANTING SUBPOENA POWER TO THE MIAMI BEACH CITY COMMISSION BE DELETED?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

**Question "D":**

AMENDING CHARTER SECTION 6.03 TO PROVIDE FOR CANDIDATE'S RESIDENCY REQUIREMENT

SHALL SECTION 6.03 OF THE MIAMI BEACH CITY CHARTER BE AMENDED TO REQUIRE THAT CANDIDATES FOR ELECTED OFFICE IN THE CITY OF MIAMI BEACH RESIDE IN THE CITY FOR AT LEAST ONE YEAR PRIOR TO QUALIFYING FOR OFFICE?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

**Question "E":**

AMENDING RELATED SPECIAL ACTS SECTION 2 REGARDING "ZONING BOARD OF ADJUSTMENT"

SHALL RELATED SPECIAL ACTS, SECTION 2, REGARDING "ZONING BOARD OF ADJUSTMENT" BE AMENDED BY:

- DELETING REFERENCE TO 2 NON-VOTING EX-OFFICIO MEMBERS, AND INSTEAD ESTABLISHING 2 MEMBERS AS REGULAR, VOTING MEMBERS APPOINTED BY THE CITY COMMISSION; AND
- INCREASING NUMBER OF BOARD VOTES REQUIRED FOR ACTION FROM 4/5 THS VOTE OF BOARD TO 5/7 THS VOTE?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**Question "F":**

FIREFIGHTER AND POLICE PENSION FUNDS: DELETING SPECIFIC INVESTMENT/ALLOCATION RESTRICTIONS AND SUBSTITUTING "PRUDENT PERSON" STANDARD

SHALL THE CITY'S RELATED SPECIAL ACTS, ARTICLES VII AND VIII REGARDING THE CITY'S RELIEF AND PENSION FUNDS FOR FIREFIGHTERS AND POLICE OFFICERS, BE AMENDED TO DELETE CERTAIN RESTRICTIONS CONCERNING THE INVESTMENT AND ALLOCATION OF PENSION FUND ASSETS, AND TO SUBSTITUTE THEREFOR LANGUAGE AUTHORIZING THE PENSION BOARD TO EXERCISE, IN A PRUDENT MANNER, INDEPENDENT JUDGMENT IN ALLOCATING AND INVESTING FUNDS?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**Question "G":**

AMENDING FIREFIGHTER/POLICE PENSION PLAN RE: DESIGNATION OF BENEFICIARY AND NORMAL FORM OF BENEFIT

SHALL THE CITY'S RELATED SPECIAL ACTS, ARTICLE IX, REGARDING THE CITY'S PENSION FUND FOR FIREFIGHTERS AND POLICE OFFICERS, BE AMENDED TO ALLOW SUCH PENSION FUND MEMBERS TO DESIGNATE A BENEFICIARY TO RECEIVE OPTIONAL SURVIVOR BENEFITS, AND TO PROVIDE A LIFETIME BENEFIT FOR MEMBERS WITH A MINIMUM TEN YEAR PAYMENT PERIOD AS THE NORMAL FORM OF BENEFIT?

\_\_\_\_\_ YES

\_\_\_\_\_ NO



**Question "H":**

RENAMING "ISLAND VIEW PARK" TO "MAURICE GIBB MEMORIAL PARK"

SHALL "ISLAND VIEW PARK" (LOCATED GENERALLY AT 18<sup>TH</sup> STREET AND PURDY AVENUE IN MIAMI BEACH) BE RENAMED "MAURICE GIBB MEMORIAL PARK" IN HONOR OF THE LATE MAURICE GIBB, LONG-TIME MIAMI BEACH RESIDENT AND MEMBER OF THE SINGING GROUP "THE BEE GEES," WHICH HAS WON NUMEROUS AWARDS, INCLUDING MULTIPLE GRAMMYS FOR THE SOUNDTRACK OF THE MOTION PICTURE "SATURDAY NIGHT FEVER," AND WAS INDUCTED INTO THE ROCK AND ROLL HALL OF FAME?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**BE IT FURTHER RESOLVED AND DETERMINED** that Question "A" was \_\_\_\_\_, Question "B" was \_\_\_\_\_, Question "C" was \_\_\_\_\_, Question "D" was \_\_\_\_\_, Question "E" was \_\_\_\_\_, Question "F" was \_\_\_\_\_, Question "G" was \_\_\_\_\_, and Question "H" was \_\_\_\_\_:

**PASSED** and **ADOPTED** this 5th day of November, 2003.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

 10-13-03  
City Attorney Date

## **CITY OF MIAMI BEACH**

**NOTICE OF A TIME CHANGE  
FOR THE NOVEMBER 5, 2003  
COMMISSION MEETING**



**NOTICE IS HEREBY** given that the **November 5, 2003** City Commission Meeting will **commence at 11:00a.m.**, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, regarding Election related issues.

In addition, the City Commission may discuss other City business at this meeting.

Miami Beach



2003

Ad#214

Robert E. Parcher, City Clerk  
City of Miami Beach

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